

ability to pay. Secondly, if they have an attorney and are not by themselves, the attorney can say...the attorney can say to them, look, very clearly one of the reasons you are having difficulty over this whole issue is the fact that you haven't gotten your personal act together, and I am here to help you get your personal act together. You know, we have the Veterans Administration. They have psychiatric counseling. We have a Job Service. We have a variety of places where you can turn, and we are going to have to make those turns. You are going to have to get the job done because sooner or later if we don't get this child support issue resolved, you will face jail time. Now, again, I have done that in my own practice, and other attorneys have too. Attorneys, you know, aren't totally adversaries in a system. Attorneys can be good support figures and can help people, deal with problems that are very difficult to them. That is another reason why we need to have counsel in the area. You know, it's kind of interesting. Senator Schmit points out that I, personally, may have some conflict of interest because I am an attorney and because I obviously have represented some of these individuals and because maybe I might get appointed to some of these cases and make a greater fee. Well, the reason I bring it up is because I am aware of the problem. You know, that's one of the things that happens when you have a body such as ours with men and women from different occupations and different walks of life, each of us become acutely aware of some of the things that happen to occur in the kind of practices that we have. And I have seen a number of men who have at least had defenses that they could raise in the child support collections areas and have not been able to do so articulately for lack of counsel. And I personally have felt that our system of justice is wanting when someone goes to jail without the assistance of counsel and without the ability really to fully ventilate and articulate whatever his defense was, even though the defense may have been wanting. Thirdly, this will not create a huge bureaucracy. Do you realize right now we appoint lawyers to represent people in DWI cases, in misdemeanor cases, and the like? We have to. We have to do it because we have to accord them their constitutional rights to due process of law. That is the decision of Argersinger versus Hamlin. You know, somebody... think about it, somebody gets accused of a relatively minor offense which could result in jail time. They get a lawyer. On the other hand, if somebody doesn't meet his child support obligations, even because he doesn't have the present ability to pay though he is willing to do so, he could go to jail without the benefit of counsel.